IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 275 OF 2002.

Shri Roy C. D'Souza,
Don Joao Vaddo,
Merces-Ilhas, Goa. ... Petitioner.

Versus

1. Goa University, through
   Vice Chancellor, Taleigao
   Plateau, Goa.
2. State of Goa, through
   Secretary Education,
   Secretariat, Panaji, Goa.
3. The Principal, Goa
   College of Architecture,
   Altinho, Panaji, Goa.
4. Chairman, All India Council,
   For Technical Education,
   Indira Gandhi Sports Complex
   I.P. Estate, New Delhi. ... Respondents.

Mr. J. Godinho, Advocate for the Petitioner.

Mrs. A.A. Agni, Advocate for the Respondent No. 1.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Govt. Advocate for the Respondents 2 and 3.

Coram: P.V. KAKADE &
P.V. HARDAS, JJ.

Date: 7th October 2002.

ORAL JUDGMENT (PER HARDAS, J.)

Rule. By consent of parties, this petition is taken up for final hearing at the stage of admission.

2. This petition has been filed with a prayer directing the respondents 1, 2 and 3 to forthwith discontinue the implementation of new curriculum in the Goa College of Architecture and follow the old curriculum. This petition has been filed in public

interest by the petitioner, who is a Lecturer in the college of the respondent no. 3. The petitioner has stated that the respondent no. 3, that is, the Principal of the Goa College of Architecture has introduced a new curriculum for the year 2002-2003 entitled as "Curriculum under Graduate Programme in Architecture". The only challenge made in the present petition before us, at the time of hearing, is that the Academic Council of the respondent no. 1 has not approved the said curriculum. For this purpose the petitioner relies on the Minutes of the Seventh Meeting of the Fifth Academic Council held on 15th and 16th May 2002, which are annexed to the petition as Annexure G-1. At Annexure H the petitioner has annexed the new curriculum. In support of his contention, the petitioner has filed the affidavit of one Mr. Edwin Cortez, who is an elected member of the Academic Council of the Goa University. Mr. Cortez in his affidavit states that the Academic Council has not approved the new curriculum for the year 2002-2003 as he was present in the said meeting. Similarly the petitioner has filed the affidavit of one Mr. Vividh Pawaskar, who was also an elected member of the Academic Council of the Goa University. The affidavit of Mr. Pawaskar also discloses that the Academic Council has not approved the new curriculum in the meeting held on 15th and 16th May 2002.

3. On notice being issued, the respondents have appeared and have filed their affidavits. The respondent no. 1, the Goa University through its Registrar has stated in paragraph 2 of the affidavit that the curriculum 2002-2003 in Architecture had been deliberated over by the Board of Studies of the Goa University, which consists of academicians and experts in the field. In paragraph 3 of the affidavit it is stated that the petitioner has erroneously referred to the curriculum under the Graduate Programme in Achitecture 2002-2003 as a new curriculum in the Goa College of Architecture. The curriculum in fact is a mid course correction of the existing curriculum. It is further stated that the Board of Studies in Architecture in its meeting held on 15th February 2002 and 2nd February 2002 had considered and had recommended the curriculum for being approved. It is also stated that the Academic Council in its meeting held on 15th and 16th May 2002 approved the curriculum. In paragraph 3 it is further stated that the Academic Council made certain suggestions with regard to the recommendation of the Board of Studies. The Academic Council, however, had not agreed with the clause regarding admission procedure. The minutes of the meeting of the Academic Council were approved by the Executive Council in its meeting dated 23rd May 2002. In paragraph 4 of the affidavit of the Registrar of the Goa University it is

stated that the petitioner had erroneously stated that the curriculum requires the approval of the Vice Chancellor. The Vice Chancellor is the Head of the Executive Council and when the Executive Council has approved the curriculum, no separate approval of the Vice Chancellor is required.

4. The respondent no. 3, that is, the Principal Goa College of Architecture has stated in paragraph 8 of the affidavit that the curriculum is not new but is a "mid course correction" of the existing curriculum and has been jointly prepared by all the teaching faculty including the petitioner and the representative of the students. In paragraph 8, it is further stated that beginning in August 2001 till December 2001, the existing curriculum was extensively reviewed during weekly meetings, with a view to remove the anomalies found in its operation. In paragraph 9 of the affidavit it is stated that the Council of Architecture, the statutory body supervising architectural education in the country, in its inspection report of 2001, had made serious criticism of the college and had pointed out several lacunae. In paragraph 9 it is further stated that the modification carried out in the curriculum seeks to correct these lacunae. In paragraph 10 of the affidavit the respondent no. 3 states that the curriculum was placed before the Advisory Committee of

the college consisting of some of the best Architects and Academicians of the country and the Advisory Committee also approved the same and, thus, it was presented in April 2002 to the Board of Studies consisting of external experts nominated by the respondent no. 1 Goa University. In paragraph 11 of the affidavit it is stated that the minutes of the meeting were accepted by the Dean of the faculty of Engineering and Architecture and were placed before the Academic Council. In paragraph 12 of the affidavit, the respondent no. 3 further states that during the series of meetings and discussions in the college, the petitioner had never expressed any opinion or reservations in the matter nor he had made any suggestions. The curriculum has been thoroughly discussed and prepared by all the teaching faculty and the representative of the students and has also been scrutinised by (a) Board of Studies, (b) Council of Architecture and (c) Affiliation Inquiry Committee. All these bodies have approved the new curriculum. The respondent no. 3 has annexed to his reply the report of the Board of Studies in Architecture as well as the report of the Affiliation Inquiry Committee. In paragraph 15 it is stated that the Council of Architecture set up and incorporated under the provisions of the Architects Act, 1972 has approved the course and the minimum standard of Architectural

Education Regulation, 1983 have also been complied with.

5. The respondent no. 1 has also placed on record a further affidavit sworn by the Registrar dated 7th October 2002. In the said affidavit at paragraph 2 it is stated that the Academic Council had not approved the recommendations of the Board of Studies pertaining to admission procedure. All other recommendations were accepted by the Academic Council. In paragraph 3 it is stated, in respect of the affidavits of Mr. Cortez and Mr. Pawaskar, that the Academic Council had approved the curriculum for the year 2002-2003. It is further stated that if the Academic Council had deferred the consideration of the recommendations of the Board of Studies, an endorsement to that effect would be found in the minutes. It is further stated in paragraph 4 that the minutes of the meeting of the Academic Council held on 15th and 16th May 2002 were circulated to all the members of the Academic Council and in terms of the provisions of S.S.A. (2)(XIV)(c) none of the members has raised any objection within 21 days of the receipt of the minutes.

6. We have made a detailed reference to the pleadings of the parties in order to appreciate the rival contentions of the parties. Mr. Godinho, the learned counsel appearing for the petitioner, has

invited our attention to the minutes of the meeting of the Academic Council, which are at Exhibit G-1 to the petition. At internal page 7 of the minutes is item 4, which reads as under:-

> "4. Any change in the present and the new curriculum to be decided by the Academic Council in the year 2002-2003."

This item no. 4 to which our attention was invited forms part of the suggestions of the Board of Studies. It appears that the Academic Council did not accept the recommendation of the Board of Studies in respect of the admission procedure and while concluding the discussions it is stated "the other recommendations of the Board were accepted". The submission of Mr. Godinho on the basis of the minutes of the Academic Council is that the Academic Council had deferred taking decision on the recommendation of the Board of Studies. This submission of the learned counsel for the petitioner is devoid of substance. The respondent no. 1 Goa University in its affidavit has clearly stated that the Academic Council has approved the new curriculum. The minutes are self evident and state that the other recommendations have been accepted. The Academic Council did not accept the recommendation in respect of the admission procedure.

7. The challenge of the petitioner to the curriculum cannot be gone into by the High Court in its

extraordinary jurisdiction under Article 226 of the Constitution of India. Academicians and experts have deliberated and have decided on the curriculum. Mr. Nadkarni, the learned Advocate General appearing for the respondent no. 3, has invited our attention to the Judgment of the Apex Court in **Thapar Institute of Engineering & Technology and another v. Gagandeep Sharma and another,** (2001) 9 S.C.C. 157. The Apex Court in paragraph 16 has held that the Court would normally not interfere with such prescribed standards and especially when they are intended to improve the academic standards in their respective institutes. The scope of judicial review in such matters would be very limited.

8. The Registrar of the Goa University in his affidavit has stated that the Academic Council has approved the recommendations of the Board of Studies. The respondent no. 3 in his affidavit has also stated that the Academic Council has approved the recommendations of the Board of Studies. We see no reason to doubt the affidavit of the Registrar on behalf of the Goa University, though the petitioner has filed the affidavits of two members of the Academic Council to state that decision was deferred. In any event the petition raises disputed questions, which cannot be gone into by a Court exercising writ jurisdiction. From the

perusal of the affidavits, we are satisfied that the Academic Council had indeed in its meeting approved the recommendations of the Board of Studies.

9. We, thus, see no merit in the petition and the petition is, therefore, dismissed with no order as to costs. Rule, accordingly, discharged.

(P.V. KAKADE)
JUDGE.

(P.V. HARDAS)
JUDGE.

ed's.